

REMARKS

In the Non-Final Office Action mailed on March 27, 2007, the Office objected to the specification, rejected claims 1-8, 13-17, and 22-33 under various bases, and objected to claims 9-12 and 18-21. With this response, the specification and claims 1, 4-8, 10-13, 17, 19-21 and 31 have been amended for improved clarity and to correct informalities. Claims 22-30 are canceled without comment, prejudice or disclaimer. New claims 34-42 are added. Applicants respectfully request reconsideration and an indication of allowability in light of the amendments and remarks

Allowable Subject Matter

Applicants respectfully thank the Examiner for the indication of allowability with respect to claims 9, 10, 11, 12, 18, 19, 20 and 21.

1. Objections to the Specification

The Office identified several grammatical errors and informalities within the specification. With this response, the identified paragraphs within the specification have been amended as suggested by the Examiner. With respect to paragraph [0051], the Applicants amended the sentences identified by the Office. No new matter is added. With these amendments, the objections to the specification are overcome and should be withdrawn.

2. Objection to Claim 1

The Office identified informalities in claim 1. With this response, claim 1 is amended to add the indefinite article “A” before the word “method” in the preamble, and the conjunction “and” has been added at the end of line 5. Additionally, Applicants identified similar typographical omissions in claims 13 and 31, which are amended herein to provide similar corrections. With this response, the objection to claim 1 is overcome and should be withdrawn.

4. Rejection under 35 U.S.C. §101

The Office rejected claims 22-30 under 35 U.S.C. §101 as being directed to non-statutory subject matter at page 4, paragraph 4 of the Office Action. With this response, claims 22-30 are canceled without comment, prejudice or disclaimer. Accordingly, the rejection under §101 is rendered moot and should be withdrawn.

6 Rejection under 35 U.S.C. §102(b)

The Office rejected claims 22-30 under 35 U.S.C. §102(b) as anticipated by the 80286 16-bit microprocessor produced by Intel® Corporation. With this response, claims 22-30 are canceled without comment, prejudice or disclaimer. Accordingly, the rejection under §102(b) is rendered moot and should be withdrawn.

7. Claims 1-8, 13-17, and 31-33 are Allowable

The Office has rejected claims 1-8, 13-17, 22-26, and 31-33, at page 6, paragraph 7 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over the combination of U.S. Patent Publication No. 2004/0096111 A1 (“Thyagarajan”) and U.S. Patent No. 6,539,060 (“Lee”). Applicants respectfully traverse the rejections.

None of the cited references, including Thyagarajan and Lee, disclose or suggest each and every element of claim 1. For example, the asserted combination of Thyagarajan and Lee fails to disclose or suggest “performing deblocking filtering on one or more edge pixels of the two neighboring blocks, after determining that both of the two neighboring blocks are not subdivided,” as recited by claim 1. The Office acknowledges that Thyagarajan fails to disclose or suggest performing deblocking filtering, at page 7, paragraph 7 of the Office Action. The Office asserts that Lee discloses this feature and that the feature “is inherent ... because the blocks in question in Lee et al. are not subdivided.” *See Office Action*, p. 7, paragraph 7. Applicants disagree. Lee makes no mention of subdivided blocks and therefore does not disclose or suggest performing deblocking filtering on one or more edge pixels of the two neighboring blocks, after determining that both of the two neighboring blocks are not subdivided, as recited by claim 1. More particularly, neither Thyagarajan nor Lee perform deblock filtering “after determining that both of the two neighboring blocks are not subdivided,” as recited in claim 1. In contrast to claim 1, Lee does not perform any filtering “after determining that both of the two neighboring blocks are not subdivided,” since Lee fails to make such a determination at all. Thus, the “inherency” argument suggested by the Office is not supported by the Lee reference. Therefore, the asserted combination of Thyagarajan and Lee does not disclose or suggest each and every element of claim 1 or of claims 2-8, at least by virtue of their dependency from allowable claim 1.

Referring to claim 13, the asserted combination of Thyagarajan and Lee does not disclose or suggest “means for filtering on one or more edge pixels of the two neighboring blocks, after determining that both of the two neighboring blocks are not subdivided,” as recited by claim 13. As discussed above, the Office acknowledges that Thyagarajan does not disclose or suggest this feature. Similarly, Lee does not disclose or suggest filtering “after determining that both of the two neighboring blocks are not subdivided,” as recited in claim 13. In contrast to claim 13, Lee does not perform any filtering “after determining that both of the two neighboring blocks are not subdivided,” since Lee fails to make such a determination at all. Hence, claim 13 is allowable. Further, claims 14-17 are also allowable, at least by virtue of their dependency from allowable claim 13.

Claim 31 recites “a deblocking filter configured to filter one or more edge pixels of the two neighboring blocks, after determining that at least one of the two neighboring blocks are not subdivided.” As discussed above, the Office acknowledges that Thyagarajan does not disclose or suggest this feature. Similarly, Lee does not disclose or suggest a deblock filter configured to filter one or more edge pixels “after determining that both of the two neighboring blocks are not subdivided,” as recited in claim 31. In contrast to claim 31, Lee does not perform any filtering “after determining that both of the two neighboring blocks are not subdivided,” since Lee fails to make such a determination at all. Hence, the asserted combination of Thyagarajan and Lee fails to disclose or suggest each and every element of claim 31 or of claims 32-33, at least by virtue of their dependency from claim 31.

Thus, the rejection of claims 1-8, 13-17 and 31-33 over the asserted combination of Thyagarajan and Lee fails to establish a prima facie case of obviousness, since the asserted combination is missing an element of each of the claims. Accordingly, the rejections of claims 1-8, 13-17 and 31-33 should be withdrawn.

8. Double Patenting Rejection

The Office has provisionally rejected claim 1 based on non-statutory obviousness-type double patenting, at page 16, paragraph 8 of the Office Action, over copending Patent Application No. 11/120,403, U.S. Patent Publication No. 2005/0276505 (“the ‘505 Reveendran Application”). Applicants object to the Examiner’s obviousness-type double patenting rejections

of claim 1 as being improper. In particular, Applicants note that the '505 Reveendran Application was filed after the present application on May 2, 2005 and claims priority to a Provisional Patent Application No. 60/569,369 filed on May 6, 2004. The present application was filed on March 16, 2004, prior to the earliest claimed priority date of the '505 Reveendran Application. Accordingly, the '505 Reveendran Application is not prior art to this application.

Moreover, Applicants note that the '505 Reveendran Application has been docketed to an Examiner but has not yet received examination. Accordingly, the present application has advanced further in the examination process and, in light of the indication of allowability with respect to some of the claims, is likely to advance to issue before the '505 Reveendran Application. Accordingly, the provisional rejection of the claims in this application is improper and should be withdrawn. Accordingly, Applicants request reconsideration of the rejection of claim 1 under the judicially created doctrine of obviousness-type double patenting.

Further, even if a provisional obviousness-type double patenting rejection is deemed proper, Applicants object to the Examiner's obviousness-type double patenting rejections of claim 1 as being premature. In particular, Applicants note that the Examiner has not indicated that all claims would be allowable if Applicants submit a Terminal Disclaimer to overcome the double-patenting rejection. Further, the Examiner has asserted an additional rejection of claim 1 under 35 U.S.C. §103(a) (at page 6, paragraph 7 of the Office Action) that is not related to the double-patenting rejection, and thus such rejection will not be overcome by merely filing the terminal disclaimer. Notably, Applicants have amended claims and presented arguments in the present Response to Office Action, and further may amend the claims and present additional arguments during prosecution, with respect to claim 1. It is therefore premature for Applicants to surrender their valuable intellectual property rights (*e.g.*, patent term and/or ability to convey ownership) by filing a terminal disclaimer when pending claims have been amended and have not otherwise been indicated as allowable. Therefore, Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejection.

New Claims

New claims 34-42 are added. Independent claim 34 recites “performing deblocking filtering on one or more edge pixels of the two neighboring blocks of pixels, after determining that both of the two neighboring blocks of pixels are not subdivided.” As discussed above, the cited references, including Thyagarajan and Lee, alone or in combination, fail to disclose or suggest “performing deblocking filtering on one or more edge pixels of the two neighboring blocks of pixels, after determining that both of the two neighboring blocks of pixels are not subdivided,” as recited in claim 34. Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of independent claim 34, or of claims 35-42, at least by virtue of their dependency from allowable claim 34.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

Applicants believe that no additional fees are required, since the newly added claims correspond to the canceled claims in both number and type. Nevertheless, should the Commissioner determine that additional fees are required, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 17-0026.

Respectfully submitted,

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